IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6182 of 2001
With
SPECIAL CIVIL APPLICATION No. 6172 of 2001
With
SPECIAL CIVIL APPLICATION No. 6205 of 2001

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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O.N.G.C. MAZDOOR SANGH - Petitioner(s)

Versus

EXECUTIVE DIRECTOR & 8 - Respondent(s)

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Appearance :
MR TR MISHRA for Petitioner(s) : 1,
RULE SERVED BY DS for Respondent(s) : 1 - 9.
MR BHARAT T RAO for Respondent(s) : 2,
RULE SERVED for Respondent(s) : 3,5 - 9.
M/S TRIVEDI & GUPTA for Respondent(s) : 4,
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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 17/11/2005

ORAL JUDGMENT

1.0 By way of these petitions, the petitioners have

prayed for the following reliefs;

> "A. Your Lordships may be pleased to issue a writ of mandamus or a writ in the nature of certiorari and/or any other appropriate writ and direct to the respondent ONGCL to treat the employees mentioned in the petition as employees of ONGCL in view of the Notification issued by the Government of India marked Annexure H and be further pleased to direct the respondent Corporation to pay all perks and perquisites at part with the employees of ONGCL.
>
> B. Your Lordships be pleased to issue directions to the respondent no.3 to refer the dispute raised in this petition to the Industrial Tribunal for adjudication.
>
> C. To direct respondent no.2 to conduct inquiry under Section 7A of the Provident Fund Act, 1952 and determine the liability of Provident Fund which has never been implemented by the ONGCL.
>
> D. That your Lordships be pleased to issue direction to respondents no.4 to 9 to pay wages and/or any arrears of wages or of any kind of amount to the workmen through Bank or by cheque to avoid fraud with the workmen."
>
> E. .....
>
> F. .....

2.0 Heard learned counsel for the parties and perused the documents placed on record. The issue involved in these petitions is squarely covered by a decision of the Apex Court in the case of ***Steel Authority of India Ltd., & ors., v. National Union Waterfront Workers & ors., reported in 2001(1) S.C.C. pg.1***. In view of the principle laid down in the aforesaid decision, the

reliefs claimed by the petitioners herein cannot be granted by this Court and the appropriate remedy available to the petitioners is to prefer an application before the Labour Court claiming the said reliefs.

3.0 In above view of the matter, it shall be open to the petitioners to prefer an application before the Labour Court claiming the aforesaid reliefs. Such an application to be preferred within a period of two months from today. On receipt of the said application from the petitioners, the Labour Court is directed to consider and decide the same in accordance with law as expeditiously as possible and preferably within a period of two years from the receipt of the said application from the petitioners. With the above observations, the petitions stand disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

(K. S. JHAVERI, J.)

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